IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.217 OF 2005
IN
SUIT NO.1053 OF 2003

Mr.Sebastian Dias ..Plaintiff.

V/s.

Mr.Nelson Gonsalves & Ors. ..Defendants.

And

Mr.Chandrakant Bhaskar Gorule. ..Respondent.

Mr.Nitin Raut for plaintiff.

Mr.R.D.Suryavanshi for respondent.

Ms. Bhatia i/b Prem Gidwani for defendant No.1 to 4.

CORAM: A.M.KHANWILKAR,J

DATE : SEPTEMBER 28, 2005.

P.C. :

1. Heard counsel for the plaintiff and respondent. According to the plaintiff, respondent is necessary party to the present suit. In any case, he is proper party, as he has purchased the suit property from defendant No.5, who in turn purchased the property from defendant No.1 to 4. Counsel for the respondent on the other hand contends that respondent is neither necessary nor proper party.

2. In my opinion, however, presence of

respondent in the proceeding will be necessary for full, complete and effectual adjudication of the suit claim. The fact that the respondent has purchased the property from defendant No.5 is not in dispute. The said fact came to the knowledge of plaintiff only after defendant No.5 filed reply in this court to oppose the chamber summons taken out by the plaintiff for its impleadment as party defendant. In the circumstances, this chamber summons ought to succeed in terms of prayer clause (a).

3. Counsel for the plaintiff is not pressing prayer clause (b) for the time being and seeks liberty to take recourse to that liberty, as may be permissible by law.

4. Accordingly, chamber summons is made absolute in terms of prayer clause (a). Amendment to be carried out within four weeks. No order as to costs.